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THE  
C L A I M S

OF THE

*BRITISH WEST INDIA COLONISTS*

TO THE RIGHT OF OBTAINING

NECESSARY SUPPLIES FROM AMERICA,

AND OF EMPLOYING

THE NECESSARY MEANS

OF EFFECTUALLY OBTAINING THOSE SUPPLIES UNDER  
A LIMITED AND DULY REGULATED INTERCOURSE,

STATED AND VINDICATED.

IN ANSWER TO

LORD SHEFFIELD'S STRICTURES.

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BY G. W. JORDAN, ESQ. F.R.S.

COLONIAL AGENT FOR BARBADOS.

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LONDON:

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1804.

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THE  
CLAIMS

OF

THE BRITISH WEST INDIA COLONISTS.

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THE British Colonists of the West Indies are considerably obliged to your Lordship for directing the attention of the public towards them. They are anxious that the discussion should be undertaken which your Lordship has provoked. A fair occasion is now given them of distinctly stating, for general information, what those regulations are for conducting the intercourse of the Islands with America, which they solicit as essential to their comfortable and profitable existence, and which they recommend to the adoption of his Majesty's Government, as consistent with the spirit and principles

of the navigation and colonial systems of Great Britain. This statement is rendered necessary by the asperity of your Lordship's remarks, and is made in the hope, that what is proposed will be favourably entertained, carefully considered, and duly adopted. An unrestricted intercourse with America is not, as your Lordship supposes, expected or desired. No intercourse is proposed, no intercourse is contemplated, but such as may accord with the policy of our colonial regulations and establishments, and shall be in circumstances and in consequences salutary and beneficial to the naval and commercial interests of the empire.

Your Lordship's strictures are not, however, merely prospective and prohibitory of what may be proposed by the friends of the Colonies; they respect and they criminate measures which have been adopted by Government, and have had their effect. They impute to his Majesty's Ministers in the past what they *object* to the Colonists concerning the future. The defence of both, therefore, is the same. The discussion is of the same principles, and may therefore embrace

embrace both cases, for the mutual purposes of respective illustration and confirmation.

Of the Navigation Act of Great Britain every subject of Great Britain thinks with the highest reverence and estimation, of its right-ful policy and approved wisdom no question can exist; it is the most excellent of all the commercial regulations of England; it is the principal source of our naval strength, as is our naval strength of our political safety; it is the palladium of the empire.

Of the necessity of inviolably maintaining the navigation and colonial systems of Great Britain, there is, my Lord, but one opinion. What constitutes these systems, however, may not be so obvious or so generally understood. A system commercial, æconomical, or political, consists of a collection of rules, formed and arranged for the purpose of attaining certain objects of benefit, profit, convenience, or necessity. A system means not any particular one or part of those rules, but the whole combined and considered, with a view to the ends and objects proposed. The Navigation Act,

my Lord, is not the navigation system of Great Britain, though it is a very considerable and very essential part of it.

The rules that constitute a system are not, of course, rules of strict and positive obligation alone; rules of provision or exception are frequently and necessarily admitted. Those rules, with these their exceptions bound up together, all operating and conspiring to the same general purposes of good, constitute a whole, or a system, which can only then be considered perfect, when it comprizes and comprehends, at once, all these different and dependant parts.

Every system of positive institution has been created and formed with certain views and intentions. The attainment of these objects is the only principle to which any regulations owe their existence. By this principle alone the admission of new regulations is to be sanctioned. This principle imperiously demands the adoption of all regulations, which in their operation, estimated by a consideration of their total effects

effects and consequences, can contribute towards the attainment of the general ends.

After having established certain general regulations for particular purposes, to make the existence of these regulations a pretence for rejecting all others, although conspiring to the same end, whether by means which simply concur with, or even by means which may partially differ from those that are in use, is to act against the principles that produced and support all regulations whatever, against all principles of political prudence, is to sacrifice the end to the means.

Every system is to be considered with relation to its objects. Whilst these are carefully contemplated and effectually pursued, the rules may be varied indefinitely, the system may remain. The Navigation System of Great Britain is preserved, the Navigation Laws as a system are maintained, notwithstanding any temporary or permanent changes made in them, for the purpose of more completely and effectually attaining their objects and ends.



The Navigation Laws are rules of prudential institution and political establishment, not of absolute and natural necessity. They are, therefore, liable to be altered and abrogated by the operation of principles paramount to those of their existence. A general famine, or prospect of famine, in Great Britain, would repeal the Navigation and all other Acts that would restrain the importation of provisions, and would open the ports to supplies from every part of the world by every species of conveyance. This would, indeed, be the consequence of accidental occurrences, but it proves that the Navigation Laws exist not independently of circumstances; that the Navigation Laws are not of that unbending stuff, of that Medish and Persian character, that they may not be changed, of that highly prerogated nature, that they can do no wrong. They are, therefore, liable to be enforced, suspended, changed, and, in the extreme case, repealed, or they might be productive of the greatest injury, and contribute to one of the  
greatest

greatest calamities to which the societies of men are exposed.

The principal objects of the Navigation Laws are two: named in the order of their natural existence, they are commercial prosperity and national security. Ranged in the order of their political importance, they are national security and commercial prosperity. That to the great object of national security inferior considerations should yield, must be admitted. That trading and manufacturing interests may and should be occasionally sacrificed for this purpose, is conceded. But surely it will not be contended, that the navigation itself should be sacrificed to the navigation system—This, however, is done, whenever any commercial or manufacturing interests are sacrificed to an extent, and under circumstances, the whole effect of which is to diminish navigation.

The Navigation Laws, as they impede and restrain, may certainly, as Mr. Gentz has observed, be considered as commercially injurious; but I entirely agree with your Lordship, that

by a reflex operation, they promote the commercial prosperity of the empire in a manner that considerably more than compensates and countervails their direct effects of limiting and restraining. But where it is proposed by simple and obvious means, to increase the navigation, though by a modification of the navigation system, there can exist no doubt concerning the expediency and propriety of the measure.

The regulations of a system may obstruct or defeat the attainment of its objects. Here then the letter is opposed to the spirit of the institution, and should be amended. That this is sometimes the case with the Navigation Act, has been observed and admitted by every high authority.

The navigation and colonial systems are founded in limitation, restraint, and exclusion, certainly according to strict right, for the wisest purposes, and with the happiest effects. Yet as these establishments abrogate natural rights, prohibit the exercise of natural powers,  
and

and prevent the enjoyment of natural benefits, it is the duty, and should be the first care of those to whom the superintendence of these institutions is committed, to provide that they shall not unnecessarily trench upon independence, exertion and happiness, and certainly not be extended to or continued in counter-operation to their ends and objects.

There is nothing more admirable in the history of British institutions, than that prudence which continually provides that general principle shall be countervailed by practical observation, and that regulation shall be adjusted by experience. This wisdom has given existence to and will preserve our general system of rights, privileges and prerogative, the wonder of the world, an object for imitation, but for imitation only by those who can understand it, not only in the whole, but in its parts, not only in its principles, but in its exceptions. Experience in polity, as experiment in philosophy, seem to be almost exclusively British.

Every

Every suspension of the Navigation Laws is not a violation of the navigation system.

A suspension, limited as to time, confined as to place, or circumscribed by circumstances; a suspension, required by exigencies, and justified by a reference to the principles and objects of the navigation system itself, is rather to be esteemed as a modification than an invasion of that system, and may even be considered and adopted as an improvement.

The calls of necessity, the claims of humanity, and the demands of justice may, and frequently do, require it.

When I hear your Lordship, in opposition to all these *principles of sound judgment*, object, in the most unqualified manner, to the suspension of any part of the Navigation Laws, you appear to me to have excluded, at the moment, all consideration of the nature, principles and ends; not only of these, but of all human laws whatsoever.

That

That permanency and unchangeableness of the Navigation and Colonial Laws, however, which you contend for has never belonged to them; that fixity of regulation which rejects all adjustment, to exigencies, and conditions and circumstances, ought not, according to principle, and does not, in fact, exist. Changes of this sort have been repeatedly made, and must repeatedly be demanded; and notwithstanding such changes, the system has existed, has been maintained, has been inviolably maintained, since this very principle of change prudentially and necessarily makes a part of the system. The number and variety of the Colonial Laws themselves prove this. The 12th Car. II. c. 18. is called the Navigation Act, but that great body of principles which we intend by the use of the term Navigation Act, is derived from this, joined to other Acts of the same Charles, and of William III. In every succeeding reign, Colonial Laws have been enacted, with views and objects so various, that any account of them runs out into an  
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extensive specification and enumeration. In almost every succeeding reign, certainly since the time of Queen Anne, some one or other of those very principles has been subjected to repeal, to suspension, to limitation, or modification, and yet the systems remain. They remain therefore, and will continue to remain, notwithstanding any future changes which the same policy may prompt, or similar occasions may demand.

The foregoing propositions cannot in their terms be questioned. They contain the principles by which the navigation and colonial systems, and all their parts may be examined and estimated. Preliminarily established, they will remain as rules of reference for the decision of those points, in the discussion of which, by a necessity which I regret, and with the highest respect, on my part, for your Lordship's rank and talents, we stand opposed.

The

The three principal subjects of your Lordship's strictures, are the Dutch Property Acts, the repeal of the American countervailing duties, and the West India intercourse with America. Each of these in order, and the Dutch Property Acts in the first place will be considered.

If to receive into hospitable protection the persons and properties of friends and allies escaped from approaching danger, if to admit into port ships and cargoes, which otherwise might be occupied and employed by the public enemy, be right, prudent, and wise, the Dutch Property Acts passed for these purposes, may be justified by these principles. Of the particular provisions of these laws now expired, to state more than may be necessary to meet your Lordship's objections, would require time and attention better reserved for other subjects.

The Dutch Property Acts carry in themselves, and announce their own justification.



tion. They were demanded by the peculiar exigencies of the times; and dictated by the special circumstances of the commerce of Europe and of the United Provinces; they were declaredly necessary for the public good, and their avowed objects were the safety and preservation of the property of fellow subjects, and of partners of the war. From motives of common humanity they opened an asylum in this kingdom for the persons of our friends of the United Provinces. Upon principles of approved policy, they opened the harbours of the kingdom for the reception of the ships and cargoes of countrymen and allies taken or saved from the common enemy. Measures of this sort cannot with more propriety be called or considered as violations of our Navigation Laws, than may all acts, recognised by law, of taking and bringing the vessels and goods of enemies into the ports of this kingdom, where, under other circumstances, they cannot come. They are all but exceptions established, or occasional to existing regulations, and are recom-

mended and approved as such, by the principles which support the rules themselves, by the principles before developed and explained.

Your Lordship objects to these Acts, “ that  
 “ they afforded *great* advantages to foreign  
 “ ships over British, in permitting goods to  
 “ be stored, which they did not allow to  
 “ British vessels.” This objection surely is very  
 unnecessarily taken and very weakly supported ;  
 the warehousing of the goods in question, was  
 at first permitted from the necessity of the case,  
 and the urgency of the occasion. By order  
 in council it was directed to be done until  
 Parliament should consider of the measure, and  
 provide for the disposal of the property. It  
 was afterwards continued from convenience  
 and propriety. When the goods were taken  
 out of the warehouses, they were, by Parlia-  
 ment, subjected to the laws and duties of the  
 customs and excise, or were re-exported,  
 and no regulations less exceptionable could  
 possibly have been devised.

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The great advantages thus complained of, consisted in the partial accommodation thus conceded to temporary distress, attended indeed with a loss to Government of interest money too trifling to be respected, but with no real injury to the British merchant, whose actual condition was neither changed nor affected by the conveniences afforded to others.

That these Acts greatly increased the quantity of foreign tonnage employed in our carrying trade, and were calculated to establish that trade in the hands of the Americans at the conclusion of the war, are observations of your Lordship, not better founded than the preceding objection. Any ship belonging either to persons who, having inhabited the United Provinces before the 19th of January, 1795, should come to reside in this kingdom, and take the oaths of allegiance and ownership prescribed by the Act, or to British subjects wholly by purchase, from or jointly with these, was permitted  
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upon special order by his Majesty in Council, to be registered for, and used in the foreign European trade. The vessels thus incorporated with the shipping of the kingdom, cannot with propriety be described as foreign tonnage, nor objected to as such, more reasonably than can enemy's captured vessels, which although not British built, are yet, under an exception established even by the Acts of Navigation, classed and considered as British ships. Of the other vessels bringing in Dutch property, and not thus incorporated into our navigation, or of American vessels, the employment in our carrying trade depends upon other circumstances. The state of British shipping at the conclusion of the war, was a consequence of the war itself, which had put into our possession the colonies and shipping of some of the most considerable maritime states of Europe. When these colonies were restored to their former possessors, whilst the shipping remained with us, and when our own navy had discharged many thousands of seamen from the public service,

it was to be expected that, for some time at least, our mariners would want employment, and that property in shipping would experience a depreciation in value. To these evils time alone could afford a remedy. These circumstances of private inconvenience seemed, however, to hold out a promise of public benefit, and the reasonable hope remained, that the lowness of freights, arising from the number of unemployed vessels and sailors, would enable us to recover, in time of peace, any balance of shipping and tonnage which might, during the war, have turned against us or been lost, in our intercourse with neutral nations.

It cannot, my Lord, be reasonably contended, that the removal of impediments to the admission of these vessels, or any thing done by these acts, amounted to a violation of the navigation or commercial systems of the empire. How far even a suspension, strictly considered, of the Navigation Laws took place, may be a subject of questionable import. All  
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the Navigation Laws were preserved in existence, and in full force. They were, indeed, restrained and limited in their application; but this limitation amounted not to suspension, general or partial, since these acts never ceased for a moment to exist and to operate. But admitting that this limitation of operation was, as to the objects affected, a partial suspension, of this suspension, reprobated merely as such by your Lordship, the injury remains to be proved; the expediency and propriety of the general measure are most unquestionably established.

In the introduction and execution of these regulations, the greatest caution and intelligence were displayed by Government. A first order in council, carefully limited, is of necessity extended by a second order. The first act for effectuating these orders leaves unlimited power in his Majesty and Parliament to suspend or renew, to repeal, or alter them. The second act, passed within ten weeks after the first, limits the operation of these orders,

and acts to a period of six months. Two following acts successively extend these provisions to short periods of time; and when at last peace intervenes, these periods are not suffered to expire by lapse, but by another act are positively shortened and reduced.

It is impossible, my Lord, to avoid remarking upon the manner in which all your statements on this subject are formed. You describe these acts as "very much extending the principles of neutral bottoms," as "affording great advantages to foreign ships over British," and "as suffering all goods to be imported in neutral ships;" but these representations are by no means fairly made. They are expressed in general terms, in order that they may influence, mislead, and prejudice, and may yet retain the power of being defended by the very generality of the terms themselves. You affirm, that there was "not even a pretence for these laws, but such as referred to temporary circumstances." But, my Lord, temporary circumstances may well justify temporary measures. That they  
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were not so highly objectionable at the juncture, you admit, and hasten to conclude the hostile apology thus offered for them by reprobating the time of their continuance, and resisting their establishment as a precedent. All this is unnecessary. The same principle of taking from, or securing against, a public enemy, will always open the ports of this kingdom to ships and cargoes of every description.

The repeal of the American countervailing duties succeeds in the next place to engage your Lordship's attention, and to incur reprehension.

By the 11th and 15th articles of the treaty between Great Britain and America it was expressly stipulated, that there should be, under the limitations therein specified, reciprocal and perfect liberty of navigation and commerce between the two countries, and that the vessels and goods of both should, in their respective ports, be subjected only to the same duties and



restrictions to which the vessels and goods of other countries were subjected. In consequence, however, of existing circumstances, a right was at the same time reserved to the British Government to lay duties on the importation of goods from the United States in American vessels, adequate to countervail the duties then existing and payable on the importation of European and Asiatic goods into the United States in British or American vessels, and also a duty of tonnage on American vessels entering the British ports in Europe, to equalize the duty of tonnage then existing on British vessels entering the ports of America. Great Britain accordingly raised her duties of customs ten per cent. on American articles, and imposed a tonnage duty of two shillings on American vessels.

The existence of these duties, on both sides, was not altogether agreeable to that perfect liberty of navigation and commerce stipulated for, nor consistent with that other admitted principle of reciprocal regulation, which sub-  
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jected the vessels and goods of both countries, in their respective ports, to no higher duties than those of other nations. Their effects on both sides were oppressive and hostile to commerce. Through the influence of the worst of passions, fear and jealousy, a system of mutual inconvenience and injury was adopted by both nations. Both Governments encumbered and impeded activity and industry, with no other view than that of reciprocally and equally distressing them. I refer not here to causes which might inculpate or justify this or that Government; I consider their effects alone. Both Governments plundered the subjects of each other, or in consequence, and in fact their own subjects, through the pockets of those, by Duties, imposed for no other purpose than that of diminishing or extinguishing exertion and enterprize, by creating and equalizing difficulties and restrictions.

Such a state of things was neither honourable nor beneficial to either party. It was not to be endured either as a matter of civil regulation,

tion, or as a subject of reasonable reflection, and it was inconsistent with the avowed principles of the treaty of commerce. When, at length, by lapse of time and decline of passion, it came to be made a subject of prudential consideration, there could exist only one opinion of what was proper to be done on the occasion. The general principles admitted and established by the letter of the treaty, and whose operation had been thus unwisely and injuriously suspended, were reverted to; and it was agreed, that the duties in question should be abolished on both sides, Great Britain and America being thus made to stand in the same state of relation towards each other which exists between Great Britain and other foreign nations.

The repeal of these duties is fully justified in its principles. It did not involve any question of regulation affecting the Navigation Act. It simply placed America on the same footing with other nations. In the place of a complex, it substituted a simple system. It removed a complex system of mutual imposition, which  
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being reciprocally balanced on both sides, was as none, or was equally injurious to both nations. Without infringing on our navigation regulations, it tended considerably to benefit our commercial and manufacturing interests. The annual value of British exports to America had exceeded six millions. The inequality in the respective amounts of British and American tonnage had not been prevented by the existence of the countervailing duties, and was to be referred to other causes and remedies. The repeal was wise, as unfettering general commerce on both sides, and settling it on the most favourable establishment of reciprocal and perfect liberty, in a manner consistent with, and conformable to the general regulations of both countries towards the most favoured nations.

That there could be no objection to placing the Americans on the footing of the most favoured nations, is distinctly admitted by your Lordship. This admission, mingled ungraciously indeed with charges of crooked policy and irrelevant exceptions, comes as the result  
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and deliberate conclusion of all your Lordship's observations. To effect this, however, it was necessary to remove duties which other nations did not pay. This was one principal object of the repeal of those duties. This admission puts an end to all question on the subject, and coupled with the well-founded observation, that the Navigation Act was not affected by the repeal, leaves it matter of curious admiration that you should object to it at all, or object to it, and class it among violations of our navigation system.

The relative increase of the American, compared with the British tonnage employed in the commerce between Great Britain and America, may indeed give rise to serious reflections, and deserves attentive consideration.

If in the course of trade with any nation, carried on under and within the provisions of the Navigation Act, the balance of tonnage against this country should at any time become considerable, it would certainly be a good

ground of patriotic enquiry, or national investigation, to discover the causes, and apply the remedies. The causes might be discovered to be contingent or accidental, or temporary. The remedies might be various, and of delicate application. The enquiry in itself would, however, be right, and would be rightly persisted in; but it is extremely incorrect and improper to confound circumstances which exist under, and independently of the controul of a statute or a system, with charges against ministers and West India colonists of actual or intentional violation of that very act, and of that same system.

There are certainly circumstances in the situation and condition of America which render her, less than any other power, an object of national or commercial jealousy. Her distance as a Trans-atlantic state leaves us less to fear from her general aggrandizement. The state of her navy employed in commerce, not formed for war, carrying neither hostility, nor the fears and dangers of hostility, takes off, as  
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to herself at least, all those arguments which, on the grounds of safety, urge the sacrifice of landed, manufacturing, and trading interests, to the creation of ships and the education of sailors, and demand the exertion of a self-denying prudence to limit the relative increase of a rival or a foe.

In all questions, therefore, concerning American intercourse with any part of the British dominions, the general result of benefit obtained to the landed, trading, and manufacturing interests of the kingdom, is the great object of consideration, divested of European anxieties and petty jealousies.

Upon the statements referred to by your Lordship of relative British and American tonnage, I have only this observation to make, that of the two periods assumed, the first immediately precedes the commencement, and the latter the conclusion, of the last war, at an interval of seven years, during which it was to be expected that the tonnage of a belligerent  
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and of a neutral would considerably be diminished and increased respectively. Upon this observation also, but for recent events, I should have engrafted this expectation; that the peace would restore our tonnage to what it had been before in time of peace; that our discharged vessels and seamen would have found employment in those branches of trade from which, during the unnatural state of war, they had been partially excluded; and that our freights would shortly have rivalled those of America, and of all the world, in cheapness and accommodation.

I cannot but perceive, my Lord, in all your observations, a jealousy, not well concealed, of America and American prosperity. Your formal disavowal of its influence is a proof of the existence of this sentiment. America is the burthen of your complaint. You object to the Dutch property acts, that they established the carrying trade in the hands of the Americans; you reprobate the repeal of the counter-vailing duties intended to place the Americans

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on the same footing with other nations; of American tonnage, not a tenth, not a fifteenth of which, in time of peace, is employed in the British intercourse, the augmentation and its causes are invidiously stated; an alarm is excited for the future fate of Jamaica against American principles of territorial acquisition; and the admittance of American shipping into the West India ports, is represented as tending to render the islands totally dependent on America. Against these, the suggestions of ancient animosity I must, however, be permitted to protest, and to deprecate the admission of all prejudices, whether of original or of recent growth, into the discussion of the West India question.

I now proceed, my Lord, to that which, if not the sole, is certainly the principal object of your strictures. The claims of the West India colonists engage, almost exclusively, forty-one of your sixty-five pages, and ten of your eleven heads of general recapitulation.

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You charge the colonists with claiming an unrestricted intercourse with America. Against this charge they are to be defended. Against this charge they will be defended, by shewing that they never expected or desired, that they never proposed or solicited, that they do not now solicit, an unrestricted intercourse with America ; that a free trade with America has never been, at any time, conceded to the claims of the colonists or of the United States, or ever contemplated by Government ; and that at this moment the colonists do not, in fact, solicit any intercourse at all. All that they do claim, all that they propose, is simply to be allowed the necessary means for effectually carrying on the limited and established intercourse already existing.

At the commencement of those hostilities which separated the United States from Great Britain, the British islands of the West Indies were supplied with articles of the first necessity from the provinces of the continent of North America. These supplies were depended upon,  
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and deemed necessary for the existence of the colonists of the islands. They consisted principally of articles of lumber, live stock, and provisions of various sorts, the produce of North America. They were paid for in produce of the islands, and they were carried by a species of navigation scarcely exceeding, in equipment and expence, the most simple drogherage.

This intercourse was suspended by those hostilities. Of this suspension the effects were the most grievous and afflicting that countries can experience, and they were aggravated by natural calamities. Various and severe distresses, the combined consequences of the war, of drought and of hurricane, were experienced in all the islands, and were patiently borne, under the expectation that they would end with the order of things which had produced them.

That expectation surely deserved not censure which restrained, during a lapse of many years,  
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amidst severe deprivations, claimed at length the renewal of an intercourse which seemed only suspended by events, and which no catastrophe, it was considered, could permanently and entirely intercept and destroy. This expectation was not unnatural. It was not unreasonable, since something like the old order of things was even contemplated by his Majesty's Government.

The utmost, however, which, even at the time of the separation of the United States from Great Britain, was by any person desired or expected, was, that the American intercourse with the West Indies, would be restored to what it had previously and actually been. This amounted to no more than the usual supply of necessaries in American shipping, confined to its accustomed limits between the islands and the continent, and restricted to articles of produce as it had always been. It extended not to the carriage of West India produce to England, to Europe, to every part of the world, to an abandonment of the general European carrying trade of the islands, which the Ame-

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rican provinces had never undertaken or possessed. Had this been suggested to the West India colonist, he would have reprobated it. Had it been objected to him as a consequence of his claims, he would have strenuously disclaimed the purpose, and been most anxious in providing against and preventing it. Unrestricted intercourse, therefore, was never expected or desired.

The necessity of an intercourse of some sort between the West India Islands and the United States was on all sides admitted. Whether it could effectually be maintained by British shipping or not was the principal subject of discussion. It was at last decided, that it could be carried on by means of British colonial shipping, by circuitous voyages from Europe, and by the assistance of the remaining American continental colonies of Great Britain, and that, therefore, the navigation should be confined to British shipping exclusively. This measure your Lordship defended at that time upon these particular grounds, and accordingly the

the West India intercourse with the United States was primarily, by provisional orders in council, and finally by act of parliament, confined to British-built ships duly navigated, carrying on one side certain enumerated articles of American produce, such as the united kingdom could not furnish, and on the other side enumerated articles of West India produce, in exchange or payment for those. According to this act, the 28th of Geo. III. c. 6. British subjects, in British-built ships, were allowed to import into the islands from the United States tobacco, naval stores, and lumber; horses, cattle, and live stock; bread, biscuit, flour, potatoes, and grain of any sort, the produce of the United States, and to export to the United States, from the islands, any goods which may be exported to any foreign European state, and also sugar, molasses, coffee, cocoa-nuts, ginger, and pimento, bond being given for landing the same in the United States.

It is never to be forgotten, that these arrangements, as far as they respected the ex-

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clusive use of British shipping, were adopted and defended upon what was considered as a well grounded expectation, that by supplies of shipping and produce from the remaining British colonies in North America, by the employment of British shipping from Europe, in a circuitous voyage, and by the establishment of appropriate shipping of the Islands themselves, there would be no want of the adequate means of carriage in this intercourse. This expectation has failed. Natural condition and circumstances have forbidden, and the remaining British colonies of North America have not furnished shipping to the navigation, or supplies to the necessities of the Islands. Deviation from the direct voyage between Great Britain and the West Indies, for the purpose of going to America, where the owners and shippers of vessels and goods cannot superintend and direct their own concerns must either be encumbered with embarrassing connexions, or exposed to the dangers of confidence, and does not therefore recommend itself to mercantile

cantile men. The natural habits also of that trade which is established, and that which would be engrafted, are too dissimilar to be united.

The West India Islands want the advantages and conveniences necessary for establishing a domestic shipping. Efforts have been made, but they have been occasional, and the supplies obtained by them expensive, burthensome, and inadequate. For information as to the amount of the domestic shipping of the Islands thus created and employed, I must refer your Lordship to official documents. It may be proper to enquire not merely into the number, but into the description also of vessels and mariners thus employed, and to estimate how much the navigation and safety of the empire depends upon the maintenance of colonial sloops and schooners, and brigs, manned with a motley crew of various colours and conditions, partly composed of slaves, and of negroes unwisely withdrawn from agriculture, who can-



not be taken out of the possession of their masters, and add nothing to naval strength, and the security expected from it. Yet let it be ever remembered, that the encouragement and support of this domestic shipping, distinguished from the great body of colonial shipping employed between Great Britain and the colonies, *whose sailors are always at command*, and which with reason may be estimated highly in *a political as well as a commercial view*; is the principal object and sole effect of the extension of the colonial principle of exclusion to, and the rejection of the navigation principle of ships of the country in the West India intercourse with America.

Under these permanent regulations the trade has remained since the passing of the act in 1788, during an interval of sixteen years, ten of which have been passed in a state of war, adding, whilst it lasted, to those difficulties which rendered the employment of British vessels impracticable. The peculiarly distressing circumstances of a state of war, and unavoidable necessity during peace, from the

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insufficiency of colonial shipping, have repeatedly and occasionally opened the West India ports to American shipping, and the measure has been approved of, and the consequences indemnified against by acts of parliament, which during the continuance of war at least, should be annual and of course.

Under these regulations thus tempered by occasional expedients, the West India colonists have existed, and therefore acquiesce. They admit the rightful policy and approved wisdom of the Navigation Act, and of the navigation and colonial systems of Great Britain. They never have solicited, they do not now solicit unrestricted intercourse with America, or any intercourse inconsistent with these, and this declaration they verify by the following extracted resolutions and report from the minutes of their recorded proceedings.

At a general meeting of West India  
Planters

Planters and Merchants, held at the London Tavern, London, February 15, 1803, amongst other resolutions of the day, it was resolved, That the standing Committee be instructed to persevere in their efforts to obtain for the West India colonies an intercourse with America, upon principles of due and liberal regard to the maritime and commercial interests of the mother country, and in no respect deviating from the monopoly she claims, excepting where the profitable existence of the colonies demands such deviation.

In a conference with the Chancellor of the Exchequer, on the 15th of the following March, on this, amongst other subjects of application and discussion, the Minister, desiring to know to what extent it was proposed to open the American intercourse, the Committee in attendance answered ; That the colonists demanded only such an intercourse, as by furnishing them in the cheapest manner with some sorts of provisions, lumber and cattle, might render their  
intercourse

intercourse with the mother country still more advantageous, since all their efforts as agriculturists or as manufacturers, must depend on their being supplied with sustenance, raw materials, and means of labour, and with packages to send their produce into Great Britain, and that in the opinion of the deputation, these objects might be accomplished, if vessels of a size, unfitted for crossing the Atlantic, might be permitted to bring the articles in question to the West Indies, and to take back the bare value of such cargoes, in sugar, coffee, or any other produce of the colonies. The Chancellor of the Exchequer expressed himself favourably as to the fairness and moderation of this proposal, but declined as at that time to enter into the discussion.

Your Lordship not only expressly charges the West India colonists with claiming unrestricted intercourse with America, but you  
impute

impute to them also, the obtaining in conjunction with the Americans, what you call the mischievous concession of the American Treaty, that American vessels not exceeding seventy tons, should enjoy a *free trade* to the West India ports. Mischievous indeed would be that concession; which should allow a *free trade* with the West India ports, to American vessels of any description.—Your Lordship is warranted neither in the imputation nor the statement. By the twelfth Article of the American Treaty, American vessels of not more than seventy tons burthen were allowed according to the principles of the above restricted intercourse, to carry certain enumerated articles on both sides, without being subjected, in the British ports, to higher duties than British vessels, on these express conditions, that British vessels should, in American ports, be subject to only the same duties as American vessels, and that West India produce should not be carried from the Islands, or from any part of the United States

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to any part of the world, except the United States, reasonable sea stores only excepted, and with this express limitation, that those arrangements should continue only until two years after a peace. This is what your Lordship has been pleased to call a free trade. This circumstantial exposition is a sufficient answer to your Lordship's unqualified statement. Of this measure, thus truly understood, the justification and approbation, result from the existing case of exigency, a state of war, by the duration of which it was limited, and from the caution used to preserve entire to Great Britain the proper European carrying trade of the Islands.

By this Article of the Treaty, America was bound not only not to carry to Europe British West India produce, but no West India produce of any sort, or of any growth. How far the British and American negotiators were justified respectively in proposing and admitting such a restriction on the general commerce of America, can only be inferred

ferred from existing circumstances. — That America would, under any circumstances, accede to such a condition, seems of very doubtful expectation, and British prudence would have been sufficiently exercised in providing by agreement, or rather by cautionary arrangements of her own, that British West India produce alone should not be carried by the Americans to Europe. This provision would have been less obnoxious in terms, and equal in effect, even if all the West India colonies, as seemed likely to be the case at that time, had been in British possession, and this would have been well effected by small vessels that could not cross the Atlantic, by limiting the intercourse to exchange of cargo for cargo, or value in supply for value in produce, or by other means which might have been devised. But there is nothing in this or in that arrangement which can justify the application to it of the term free trade, and support the argument couched there-under, and imputation raised and attached thereto of important and mischievous concession.

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The West India Colonists, therefore, not only never obtained, they never have claimed or solicited unrestricted intercourse or a free trade with America, and they do not, in fact, at this moment, claim or solicit any intercourse at all. A limited intercourse with America is by law already established. They solicit only the necessary means of carrying on this established intercourse, and they conceive themselves intitled to the use of these means, upon the very same principles which have entitled them to the intercourse itself, and which justify and support all political claims and rights whatsoever.

These details constitute a complete refutation of your Lordship's strictures, on what you call the unreasonable conduct " of some  
 " West India merchants and planters, whom  
 " you accuse of joining in the unreasonable  
 " claims advanced by the Americans,—You  
 " insist that the demands of a few interested  
 " or speculative men are not to be listened  
 " to; and you charge some of the West India  
 " dia



“dia merchants with having, more than  
 “once, and that with every management  
 “and clamour, laboured to accomplish their  
 “views of an *unrestricted intercourse* with  
 “America.” These remarks and imputations,  
 offensive and injurious in themselves, are un-  
 supported by facts, unfounded in terms, and  
 disproved by the simplest statements, and  
 the most obvious references. Their existence,  
 however, has created the necessity of meet-  
 ing them with opposing observations, and  
 countervailing expositions, which may happily  
 resist the influence of opinions thus publicly  
 exhibited, concerning measures of political  
 regulation, neither carefully considered, nor  
 correctly understood. This is not, however,  
 all that the occasion demands. The colo-  
 nists are called upon, not only to defend  
 themselves against existing charges which  
 may be refuted, but to secure themselves,  
 as much as may be, against the exhibition  
 of others as unfounded as the past, by dis-  
 tinctly stating, and clearly vindicating their  
 claims.

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The British colonists of the West Indies claim the right of obtaining from America all supplies of articles of the first necessity, which cannot elsewhere be had, and of employing all the means necessary for effectually obtaining those supplies, under a limited and duly regulated intercourse.

They claim this right of supply upon principles, paramount to all other principles of regulation, for their own immediate safety and preservation, from general necessity, and for the public good. They claim this right upon the grounds of expediency, as promoting the attainment of the very objects proposed by the colonial principle which it controuls, as benefitting the colonial establishments, and actually increasing the colonial trade, and colonial navigation of Great Britain.

They claim the necessary means of obtaining, as essential to the exercise of the right of supply, as not injurious to the empire, either in the manner, or to the extent apprehended,

apprehended, as producing, by the benefits it imparts, compensations in kind, more than equivalent to any conjectural losses that may be foreboded, and as agreeable to the navigation principles of Great Britain, although opposed to the colonial.

They claim these supplies and these means in an intercourse which shall be so regulated, as to guard against all the evils which the most cautious and anxious jealousy may divine, and shall preserve to Great Britain entire, all the objects and benefits of her colonial establishments and policy.

All discussions of these claims therefore, branch into three divisions; considerations respecting the articles of supply, considerations respecting the means for obtaining them, and considerations respecting the regulations for conducting the intercourse in which they are to be obtained.

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The general national objects of colonization are of three kinds, from which result certain claims or rights on the part of the parent state, which may very properly be called, the rights of import, of export, and of carriage.

The right of colonial import or supply extends exclusively to all articles of manufacture, commerce, or produce which the parent state can furnish to the markets of the colonies. The right of colonial export includes all articles of colonial produce to the markets of the parent state. The right of carriage or of navigation is exercised in transporting these articles between the parent state and colonies. In consideration of these claims and rights, demanded and enforced on the part of the parent state, the colonies claim the right of exclusively supplying all articles of colonial produce, which they can adequately furnish to the markets of the parent state, and it is to be lamented, that this last right has been, in fact, so little respected, whilst the others have been strictly enforced and preserved.

preserved. All these rights on both sides may be included under the general denomination of a monopoly of markets and of navigation. It is convenient to consider those of the parent state under three divisions; the monopoly of colonial supply or imports from the parent state, the monopoly of colonial produce or exports to the parent state, and the monopoly of the navigation or carriage of these colonial imports and exports.

The colonial import or supply can only be of things which the parent state can possibly and beneficially, in sufficient quantities, and at adequate prices furnish. If this cannot be effected, and if the articles are of the first necessity, they must be obtained elsewhere. The exclusive right of import or supply from the parent state becomes limited by the power, and must in so far be abandoned.

The payment for supply, or import, is  
obviously

obviously and necessarily effected by means of colonial produce. Whenever, therefore, the power, and with it the right of supply, shall fail, so far also must fail with it the right of produce-export to the parent state, of the commodities applied to pay for the supply elsewhere obtained.

These principles have been admitted, and acted upon by Great Britain, in forming the regulations of her colonial system. She has found it impracticable to supply from herself, the West India colonies with certain articles which they cannot exist without, and she has allowed them to be received from America, and paid for by produce. A distinction has thus been created between British colonial supply or import, and American, between colonial produce-returns or exports to Britain and to America. The colonial supply or import from, and the colonial produce-returns or exports to Great Britain, are, by every exertion of means, and application of power, to be retained and preserved to Great Britain.

Britain. The American supply, and the produce-returns to America for supply, Great Britain has formally given up. The only question, therefore, which remains, respects the carriage of this American supply, and of the produce-returns to be given in exchange or payment for it; and this also is to be determined by the same principles of necessity or expediency which have justified the former concessions.

The first part, therefore, of the claim of the British colonists, as to the right of obtaining supplies from America, has been allowed of and acquiesced in by Great Britain, and a particular enumeration of the necessary articles made and declared by act of parliament. The right of employing all the necessary means of obtaining those supplies, respects either the mode of payment or the mode of carriage. The right of paying for by means of colonial produce, as well as the right of obtaining supplies, has also been generally recognized and admitted; but the adopted mode of carriage confined exclusively to British shipping, although by law established,

blished, has been constantly combated with complaint and objection, and has, in practice and from necessity, been continually and repeatedly varied and departed from by the employment of American vessels.

There are two great principles which regulate, the one the colonial establishments, the other, the commercial communications of Great Britain with foreign nations. By the one, all direct communication of the colonies with other countries is prohibited; by the other, all intercourse with foreign countries is confined to British shipping, and shipping of the country. When from necessity the colonial principle is partially abandoned, and a limited intercourse of the colonies with any foreign country is permitted, it would seem reasonable to expect that the other principle should be resorted to and adopted, which regulates the communications of other parts of the empire with foreign nations. According to this principle, the American intercourse should be opened to British and American shipping jointly.



The propriety of this regulation is further confirmed by experience. Such has always been the actual state of things, and the colonies and the empire have prospered under it. It is demanded by the same necessity which has opened the intercourse with the United States. It is demanded by the same respect for the rights of other nations, by which, in other circumstances, it has been established. If, in this case, the colonial principle and the navigation principle stand equally opposed to each other, necessity, propriety, and approved utility, support the latter. Great Britain has declared in favour of the former, as far as it excludes from the colonies the admission of American shipping. The colonists claim the adoption of the latter. Great Britain stands upon the original colonial principle, although never before applied as between these countries. The colonists, upon actual precedent establishment, and practice, upon the utility and necessity of the measure, and upon the propriety and efficacy of regulations which they have prepared, and propose for the purpose of meeting

meeting objections raised, and obviating inconveniences apprehended from the new order of things, which has changed provinces of the empire into independent states.

So far are the colonists then from asking for unrestricted or any unwarrantable intercourse with America, that what they claim has been granted, as to the intercourse; as to the effectual means of maintaining it, part of what they require has been conceded, the other part has remained a question not decided against them, by a tentative experience during twenty years of the means ineffectually adopted for the same purpose. The present question is not about intercourse, limited or unlimited; the only question is about the admission into the intercourse already established of American jointly with British shipping, which, among the effectual means of maintaining that intercourse, the colonists claim, propose, and defend upon the principles before detailed, which are now to be separately considered and discussed.

The colonists propose the employment of American vessels jointly with British, because British shipping alone, after twenty years trial, have not been able to carry on the intercourse beneficially in time of peace, adequately in time of calamity, or actually in time of war.

They claim this right as due by virtue of ancient establishment, use, and practice. They claim it as appurtenant to the property they possess, as essentially necessary to the complete perception of its profits, as naturally attached to it, and always used with it. To this prescriptive right, unquestionably established, some respect is certainly due.

They propose the permanent employment of American vessels, on the grounds of utility, as being better than the occasional and frequent admission, which cannot be subjected to regulation, upon which the planter cannot calculate with full assurance, and which is to be exercised under circumstances, under which it ought not to exist.

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The British West India colonists claim the constant admission into the American intercourse of American vessels, jointly with British, upon the plea of necessity, and the failure of all other expedients to remedy that necessity.

There is not a fact at this day more completely and incontrovertibly established than this, that British shipping cannot at all times furnish the West India Islands with sufficient supplies of the articles necessary for their profitable, comfortable, or actual existence. The islands are occasionally exposed to the horrors of famine, and the miseries of other deprivations, from the want of regular supplies, from the consequences of drought, or of hurricane, and from the impediments of war. That these evils are to be remedied by any and by every means, is a position against which no question can be permitted. Great Britain, in her distresses, opens her ports to ships of all the world, and of every description. In extreme cases, the islands would do the same;

same; but to whom could they open their ports? They might call the ships of all the world, but would they come? Partial relief might, in a particularly urgent case, be obtained from the neighbouring islands; but to America alone, for complete assistance in extreme or in ordinary distress, can recourse effectually be had.

Cases of extreme distress are of uncertain recurrence. Cases of ordinary distress are frequent, and may exist in the course of a year, may arise in the course of three months. The state of war is a case of continued exigency. To meet these cases of various necessity, no fixed regulations have been contrived or adopted, and it has been left to the discretion of the executive of the islands to admit or exclude American shipping, according to its own sense of the propriety of the measure. This discretion also is to be exercised under personal penalties and dangers, which require the indemnification of an act of parliament to avert and protect against. The exer-

cise of this discretion is to be justified, and its justification subjected, it may be, to the *Strictures* of a zeal not always considerate and correct, or to the suspicions of a jealousy aggravated by a certain knowledge of the temptations to which human nature is subjected amidst unnatural deprivations, and therefore not readily disposed to admit the moral or political condition of things that would excuse. I know the case to have occurred, when during the continuance of war, and whilst Great Britain, in extreme distress, had opened her ports to all ships, and paid bounties upon all species of corn and grain, and upon Indian corn amongst the rest, drawing thus from the colonies all means of supply, instead of sending them any, that letters of the strictest and harshest tenor were received by the chief of a colony respecting the admission of American vessels, and holding out in prospect the dangers annually indemnified against, although the colony was at that very time in a state of the greatest distress, and many whites and negroes had actually perished of famine, or of diseases which famine had provoked.

voked. At this very period, supplies of flour, embarked in this kingdom for the colonies, were by order actually relanded and retained.

That only by the employment, occasional or constant, of American shipping, jointly with British, the British islands can be secured against the worst of evils, cannot be denied. The only question, therefore, is, whether it be more adviseable constantly to employ, upon generally approved principles of regulation, or occasionally only, as at present, to permit the admission of American vessels.

The question of occasional admission also subdivides itself into two parts. Whether this admission shall be left, as heretofore, to the discretion of the executive power, or be subjected to the operation of positive laws, varying according to some fixed rule or criterion of necessity or demand, to be measured and ascertained by the prices of the markets, as is done in other countries and on other occasions. The difficulties

difficulties of practically regulating the admission by the prices of articles in the market, seem to be considerable, but perhaps not insurmountable. If to discretion is still to be left the power of occasional admission, that discretion should be unfettered by legal impediments. It should be left, by its proper motives to justify itself, to his Majesty's Government, as in all other matters of general policy, and the provisions of the annual Indemnification Act of the last war should be rendered permanent and fixed.

The state of war, as a case of particular exigency, requires particular provisions; as a case of continued exigency, it requires the establishment of continued and co-existent regulations, and yet this case also is left to be provided for by the exercise of occasional discretion.

It has happened, during a war in which Great Britain not only held the greatest part of the West India colonies in possession, but  
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was completely mistress of the seas, that the constant necessity of admitting American vessels into all her possessions seemed to supersede the exercise of any discretion, and to render the American intercourse with the West Indies, during that time at least, continued. What would be the case, if her naval power was at all equalized in those seas, it is not, therefore, difficult to conjecture; and how she could in time of war preserve a trade with neutral nations, not permitted in time of peace, contrary to those principles of neutral policy which she herself has been so strenuous in maintaining, deserves to be considered.

But when the periods of extinguished and renewed hostility are compared with those of peace, and proportioned according to past experience, and when that proportion is found to be at this very moment increasing, when to this period of continued exigency the frequently recurring periods are added of temporary necessity, the whole time during which the admission of American vessels is demanded  
by

by the colonies, becomes so considerable, that it would unquestionably be more prudent to permit the trade constantly, in order to subject the means of carriage to some proper principles of restriction, than to leave it to be occasionally opened, as it necessarily must be, to any species of carriage which may offer, under any circumstances, and to open it in time of peace, that it may not be liable to hostile objection or interruption in time of war.

Upon these facts and these reflections, thus naturally and obviously introducing and powerfully recommending the constant and duly regulated use of American vessels, jointly with British as a system, combined with the other general principles before detailed, is grounded that proposition of the West India colonists, which claims their admission into the supply trade as among the necessary means of effectually carrying it on.

The consequences of this admission respect either the British carrying trade between the  
islands

islands and Europe, or that between the islands and America. By virtue of the regulations hereinafter detailed, it will be prevented from interfering directly with the great carrying trade between Britain and the islands, and will in its consequences be found to increase it.

In the American intercourse with the islands, the only object and effect of excluding American vessels from the islands, is to promote and encourage the domestic colonial shipping of the islands. All expectations of bringing any other British shipping into the intercourse, must now, after trial, be abandoned. The attempt to establish and maintain this domestic shipping, as being without means, is unnatural, and therefore attended with considerable difficulties. The want of arsenals, of dock-yards, of materials, and of artificers, forbids it; and it is equally unsafe to commit arsenals and artificers beyond the central and vital parts of the empire, from which they may be lopped off and dismembered. The species of American vessels formerly

merly recommended for employment in the trade, shews at once the nature, extent, and importance of the navigation. The safety and supply of the West India Islands, are not to be put in competition with the maintenance of their own droghers.

The mariners educated in this intercourse are not like those of the British carrying trade between Europe and the Islands habituated to ships of larger size, and to the hardships of a northern climate, they are not always at command like these as your Lordship observes, nor may they, like them, be added on emergency to the naval force of the kingdom.— Unfitted for general service, they cannot be easily separated from the commerce in which they are engaged, nor can the slaves which contribute to make up their numbers be taken from the possession of their masters. It therefore surely is not wise, it surely is not prudent to make a regard for these establishments, or apprehensions of their discouragement, grounds for rejecting the use of means

necessary to the safety and prosperity of the West India colonies, and contributory to the consequent increase of the general and proper British colonial trade and navigation.

The necessity of admitting American vessels into the existing colonial intercourse, as among the means necessary for obtaining necessary supplies being thus established in itself, and by a consideration of the remedies applied to redress it, a discussion of the measure proposed, for duly limiting and regulating the intercourse thus to be conducted should next succeed. The admission of American jointly with British vessels into the American intercourse, is to be guarded with all the cautionary sanctions necessary to preserve to Great Britain her exclusive rights to British colonial import and export, and to the British colonial carrying trade. The proposition therefore for employing American vessels, is necessarily connected, with many devised also for the purpose of preserving those rights.

They all proceed from the colonists in the  
first

first instance, because as subjects affected by the general welfare of the Empire, they are politically bound to consider and consult it, because as applicants, they are prudentially bound to devise and to recommend all such measures as shall remove prohibitory objections, and guard against prospective dangers. As loyal subjects, and as fair claimants, they are prepared to accede and submit to any other or further regulations which may be proposed to the same end.

The various propositions which with this view may be, or at different times have been brought forward, respect either the nature of the vessel, or the amount of the cargo. The great object to be guarded against, is to prevent the taking away from the Islands more produce than is barely necessary to pay for supply, and carrying it directly to Europe.— It has therefore been recommended, that the American vessels to be employed, should be of such a sort as might be least capable of interfering in the proper carrying trade of Great Britain.

Britain, incapable of being used beyond the supply trade, incapable of crossing the Atlantic from the British colonies directly to Europe ; that they should be of the most simple structure and reduced size, and should employ the smallest possible number of mariners in proportion to their tonnage, neither requiring nor forming many or expert seamen.

A vessel agreeing with this description, had been found in use in the free port trade of the Islands with South America, and had been formally transferred into the North American trade, by the article of the treaty of commerce with the United States before referred to. It is built with only one deck, and must not exceed the burthen of seventy tons. The treaty had adopted only the limitation of tonnage, but as it was afterwards found expedient in the trade from which this description of vessel was taken, to increase the tonnage, and it had been extended indefinitely, or had been left to be limited only by the other qualifying condition of the single deck ; it would certainly  
have

have been better, in imitation again of the free port trade, to have given up the limitation of tonnage, preserving the limiting circumstance alone of one deck. This was further recommended by the following considerations: By enlarging the tonnage and confining it to one deck, the trade would be still restrained to the same proposed denomination of vessels. The number of mariners would not be increased in proportion to the tonnage. The expences of the navigation and the prices of supplies would be diminished, and vessels of a larger burthen are alone fitted for carrying large and heavy pieces of timber, or masts, which might be occasionally required. All limitation of vessels however seems to be unnecessary. It is better to leave the trade to regulate itself in this respect, and to admit American vessels of all descriptions in the same unqualified manner as British, limiting and restraining the export alone of objectionable articles of colonial produce to the value of the imports, which imports necessarily limit themselves. Instead therefore of limiting the vessel, it is proposed to limit the export itself,



by allowing only cargo for cargo, or value for value.

On the subject of imports and exports, it would seem reasonable, when American vessels are employed in the supply trade, simply from a want of British, that no other change would be required, or ought to take place, but that of the vessel alone, and that the same articles might on both sides be indifferently carried by British or American shipping. No attempt indeed has been made to create any distinction of this sort as to the articles of supply from America, and therefore, as to them, this principle, and the rule to be established by it, may safely be admitted.

As certain jealousies however have arisen respecting two particular articles of colonial produce-export in American shipping, it will be right to consider separately each particular article enumerated for the export carriage of British shipping. The first article includes among others, all those various commodities  
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which Great Britain, from her commerce, manufactures or territory, can supply or send to the West Indies. Whatever articles of this sort are there found, have had at least one British West India voyage upon them. There can be therefore, no objection to an American vessel taking any amount of these. British navigation is more benefitted by their being thus taken from the Islands, than even by sending them to America, and certainly more than by their being taken by the Americans from Great Britain, in their own shipping, which they may be to any extent. That the Americans will unavoidably in their intercourse take of these articles, many which otherwise would never have made their way to the United States, cannot be doubted. This circumstance must be carried to the credit, and allowed to operate in recommendation of the admission of American vessels into the intercourse, and no reason can exist against allowing them to take in their own vessels any quantities of these goods without any reserve. But in the list of articles of West

India produce enumerated for export in British vessels to the United States, there are two, sugar and coffee, which in the cases of occasional admission of American shipping into the ports of the Islands, have been subjected to exception or restriction as articles of export in American vessels, whilst they may by law be exported to the United States without any reserve, in British vessels. The principles of this prohibition or restriction deserve to be examined.

By a principle of colonial regulation universally admitted, and solemnly recognized by Parliament, colonial produce is entitled, after having arrived in, and been subjected to the voyage to, and to the right of preemption in the markets of Great Britain, to go out again, discharged from all other burthens, and to have free access to all foreign markets, as among the most favoured of British commodities.

Foreign nations, therefore, and among them the Americans, may come into the ports of  
Great

Great Britain, and under a duly regulated system of export, take West-India produce away, without any revenue charge upon it. This was the state of things when the West-India intercourse with the United States, in 1788, was settled in British bottoms, and these considerations added to the necessity of paying for supplies with produce, induced those arrangements, which were then adopted. Unfortunately during the late war, an idea was taken up, against all principles of political wisdom and public justice, to tax foreign nations, by retaining part of the drawback, upon the re-exportation of sugar from Great Britain. This was a great breach of parental faith, on the part of Great Britain; it was a great breach of justice thus to take away a portion of the accidental profits of commerce which they only are honourably entitled to, who risque at all times equally the loss and the profit. Like all other great violations of principle, this also was attended with consequences directly, indirectly, and remotely injurious to all whom it affected.

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One of these indirect and remote consequences, was an attempt made for the first time, in the ports of the colonies, to establish those distinctions between the exports to the United States, in British and in American vessels. Sugar and coffee were either absolutely prohibited to American vessels, or limited to specified portions of their return cargoes. Considerable impediments to the obtaining of supplies or necessities, were thus vexatiously created and perpetuated, and great inconveniences sustained. Not among the least was the considerable drainage of specie, complained of in all the colonies. American vessels were compelled either to leave a particular colony without dealing, or they drew out from amidst the population of the country, those last portions of gold or of silver money, which retained amidst the ranks of society, by all the principles and energies of political existence and combination, yield only to the most powerful actions, and like the last portions of moisture which give form and solidity to natural bodies, are only in the extremest cases separated

rated and carried off. The specie thus obtained was immediately laid out to purchase, without restriction, return cargoes of produce among the foreign Islands, to their great encouragement, and to the considerable vexation and injury of the British colonists. This drainage of specie was attended with considerable loss, not only to the planters, but to government also, in the article of exchange. From the scarcity of money, all bills sustained a depression in the market of a considerable per centage, and in our market, where the money point of exchange is fixed at forty per cent. Government could frequently get only twenty-five per cent. or a smaller per centage on the bills she was obliged to sell for the purposes of maintaining her establishments. This certain loss considerably overbalancing any contingent interests, deserves the attention and regulation of Government.

This unprincipled and abortive attempt to tax foreign nations, by importing among them, commodities loaded with domestic duties, was

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at length abandoned. Something like a better system has succeeded. Regulations have been formed, according to which, although at times, and under increasing prices, increasing portions of the drawback on sugars, may be retained, yet, in compensation for this, it is with some apparent fairness provided, that in other cases, a bounty shall be superadded when the prices fall beyond a certain point. There is, indeed, in the ascending scale of bounties but one solitary step of compensation, whilst in the descending the drawbacks are diminished through many and various degrees of decline, into total extinction. All assurance also is suspended, as to the permanent benefits of this arrangement, by its limited existence, and consequent dependance upon uncertain opinions, and upon political events and combinations yet more uncertain.

From discussions of this sort, all questions of finance ought upon principle to be excluded. Whatever sacrifices commerce may make to navigation, she should make none to revenue.

Great Britain will never again be taught to expect any increase of treasure from the re-export of her colonial commodities. The present sugar regulations are calculated to limit and accommodate the prices of that article to an easy and steady domestic consumption, and should have no other object. In this state of things, therefore, it might only be necessary, as is done with respect to British vessels, to leave the quantity of export in American vessels, grossly to depend upon the quantity of supply. It is judged, however, more advisable, to apply special provisions to the two particular articles in question.

The duties upon British plantation coffee, with the new import duty, are only 6½d. per cwt. on warehousing, and this is the only public charge which coffee going out of the kingdom carries upon it. There exists not therefore, either as to coffee or sugar, any question of revenue which may support any of those grounds of distinction adopted as to them in the colonies. In order however to  
remove



remove any apprehensions that they may be exported in quantities, which shall admit of their being carried to Europe, or in any manner that may tend to diminish the carrying trade of Great Britain beyond the purpose of paying for supplies, it may be right expressly to limit them to that purpose. The colonist claims only to receive supplies, and to be allowed to pay for them with produce. It is fair, therefore, in order to enable him to obtain supplies, and to save the loss of his specie, to permit him to pay with any articles of his produce. This payment, however, once made, the claim would strictly there end. As small quantities, however, of these two articles will in general pay for a much more bulky cargo of supplies, not to discourage the trade or to burthen it too much, by compelling the supply cargo to pay the import, and almost the whole of the export freight also; after taking sugar and coffee to the value of her cargo, an American vessel might be allowed in the same manner as a British vessel to complete her lading with the other enumerated and less objectionable

objectionable articles of colonial produce, with such articles as may by law be exported from the colonies to any foreign port in Europe, to which there can be no objection, and with British manufactures and imports, to whose export and use there ought to be every possible encouragement and inducement given.

Such are the claims of the British West India colonists, and such the regulations proposed by them, for conducting the American intercourse. After all that has been detailed, and all that has been argued, the only change expected or to be produced by them is, the established employment of American shipping, duly regulated, instead of the occasional admission of vessels of any description, so frequently necessary, as to be almost in itself constant.

These regulations may be always adopted without any danger or any risque. The power is always retained by Great Britain of putting an end to them the moment they appear likely to produce any ill consequences that may have  
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been foreboded respecting them, and may be exercised without any apparent ungraciousness of intention, or unsteadiness of council, being gratuitously adopted and abandoned. That this power however may be thus freely exercised, it must also be gratuitously exercised. It must be done by Act of Parliament, without reference to or consultation with the United States; it must not be considered as a boon, and must be established without claiming an equivalent.

If to the foregoing there be any other consideration which should be added, it may be drawn from the leading proposition of the preamble of the fifteenth of Charles II. which your Lordship has quoted. “The maintenance of a greater correspondence and kindness between the subjects at home and those in the plantations,” is a motive which may well be admitted to have its effect on this occasion, in which the personal accommodation, comfort and security of the subjects in the plantations are to be considered and provided

provided for, and that Government will alone do well, which even in matters of the driest policy, or strictest calculation, excludes not even the lesser influences of human nature and of social feeling.

I have hitherto carefully abstained from all consideration or suggestion of right in the foreign country, to take any part in our discussions for regulating a portion of her commerce. As between the colonies and the parent state, this may be proper, but as between the Empire and the foreign state, the consideration of whose rights and interests is not to be disregarded, this may neither be just nor prudent. Every country has not *an unqualified right* to regulate for itself its commerce with other nations, because other nations also have rights in that commerce which must be respected. There are more parties than one to the execution of these regulations, and without reciprocity there is no right. No country ought to regulate its commerce according to rules which, if adopted

by the corresponding country, would put an end to all commerce. To do as we would be done by, is a maxim between states as among individuals. The Navigation Act itself is only founded in justice, as it is formed in reciprocity. Let other nations adopt it, and the same condition of things remains.

In the intercourse of Great Britain with foreign nations, and in her established commercial regulations, all argument of injustice on her part is taken away by the reciprocity which pervades them, and by the respect shewn for the rights of others in subjecting to the same mutual provisions respecting carriage, her own and the commerce of every country to which she trades.

Every nation may, undoubtedly, exclude any other nation from access to her own ports, or to the ports of her colonies, and from interference in the intercourse existing between her own and other countries. But any claim to, or  
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attempt at preference or advantage of regulation in the trade existing between any two nations, on the part of any one of them, is not founded in reason or justice. To any beneficial difference which may result from condition, either country is fairly entitled, to none from ordinance.

The Navigation Act allows the vessels of each foreign European nation, indifferently with those of England, to carry between England and each particular country their respective articles of production, and it excludes all others. This is just towards every nation engaged in the British trade. It even regulates the navigation of every foreign state, by requiring the employment therein of a definite number of sailors belonging exclusively to each, in the same manner that it regulates the British. This too is just. But had it forbidden the employment of any but British vessels in foreign trade, it would have been most unreasonable and most unjust. The same provisions adopted by foreign nations would

have excluded all British navigation from their ports. The adoption of her present regulations would only leave things as they are, since they are perfectly and individually reciprocal.

Great Britain has an undoubted right altogether to exclude the United States from access to her colonies. If an intercourse be necessary, she has a right so to regulate it, that it shall not extend itself beyond its objects, or to her injury. But surely it is not perfectly reasonable, or unquestionably right, abandoning all principle of reciprocity, which alone in these cases is justice, to claim the exclusive right of carriage, as against the United States, even of their own products.

The principle of intercourse between Europe and the European parts of the empire may well be transferred to America, and the American parts of the empire, and the ordinary means should be resorted to of encouragement and support, if necessary or if proper, to render the

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the British shipping employed in the trade equal or superior to the American, not the extraordinary measure of unqualified exclusion. If, from natural condition, a superiority should unavoidably arise on the part of the American shipping employed in the intercourse, the attainment of this advantage, if worthy, might become a subject of distinct consideration. But surely the claim of exclusive navigation is neither founded in right nor in wisdom, since its simple adoption for itself, by the power against whom it is applied, would bar at once all intercourse; and there can be no question that the United States have the same undoubted right of regulating their trade that Great Britain has of regulating her's.

It cannot, either with propriety or with truth, be said that the trade, thus restricted as to its navigation, is *freely* offered to the adoption or rejection of the United States; and that, if they are not satisfied with the benefits derived in this way from it, they may decline it: It cannot be said



with propriety, because this mode of conduct has not been adopted in Europe towards European nations; and although it might be contended, that this is only an enforcement of a colonial principle, yet, should America insist to stand upon the general navigation principle of ships of the country, applied to the American ports of the empire, and refer to the actual state of colonial regulation preceding her independence, as a practice to be opposed to the colonial principle, there would then be one principle opposed to another, and justice, reciprocal right, and precedent establishment, would be on the side of the Navigation Principle: It cannot with truth be so said, because the West Indies cannot exist without the American intercourse. Great Britain cannot be made a staple for the live stock and Indian corn of the United States, as the 15th Car. II. proposed generally, with respect to the commodities of other nations for the supply of the colonies, and proposed at that time wisely, for the United States were then among the colonies  
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of the empire, and the objects of that act were confined to European commodities.

I admit, my Lord, the general right of Great Britain to frame colonial and navigation laws, due regard being had to the reciprocal rights of other nations. I admit the general objects of founding colonies to be what you suggest, and I have already more distinctly stated and enumerated them. I agree in opinion most decidedly with your Lordship, that rather than surrender the carrying trade of the islands, it would be incomparably better to renounce the islands themselves. But I distinguish, my Lord, the proper general carrying trade of supply and of produce between Great Britain and the West Indies, from the petty auxiliary provision trade between the islands and the continent of America; and I contend, that to permit this, is to promote that.

Against the proposed admission of American jointly with British or British colonial vessels into the West India ports, your Lordship has opposed

several arguments under three heads of formal objections and various points of recapitulation. In as much as they relate to unrestricted intercourse, to which the colonists make no claim, they may be considered as generally answered by the observation, that no such intercourse can ever exist. In as much as they may be applied to the employment of American shipping, even in the established limited intercourse, they deserve to be noticed.

Your first objection to the admission of American vessels is, that it will promote illicit trade between America and the islands.

I speak, my Lord, from experience, when I affirm that it will not. American vessels have been for now nearly twenty years in the constant habit of passing among all the islands between all their ports, and along all their coasts, and no illicit trade, to any extent, has ever been practised or attempted. None could have been attempted without discovery. The same objection lies equally against the employment

ment of British vessels. That American vessels would be more disposed to illicit trade than the British vessels now employed under the same circumstances, and amidst the same temptations, is not to be supposed against general observation and experience. Against all attempts of this sort, however, the officers of the customs in the colonies may confidently be considered, and will always be found to be, as hitherto they have been, a sufficient check and safeguard.

Your Lordship further objects, that carrying produce from the colonies in American vessels will increase the price to the British consumer. So would the purchase of the same articles in Great Britain. So would the carriage to America of the same articles in British ships from the West Indies. Yet to these your Lordship does not, I hope, undertake to object, and if not, your grounds of objection fail altogether.

Under this head of objection, your Lordship  
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has produced accounts of American tonnage and shipping employed, during a certain period, in the West Indies, upon which you expressly rely as exhibiting a just amount of the momentous loss Great Britain would sustain in her navigation by the admission of American shipping into the ports of the islands. You do this too, my Lord, without qualification or reserve, although you are well informed of the deception which prevails in all accounts of this sort. I cannot consider this as candid or ingenuous.

From these accounts it appears, that on an average of entrances and clearances for the years 1795-6-7, 1,260 American vessels, of 134,417 tons, were employed in the British West Indies.

Every American vessel makes on an average two voyages in a year. This circumstance will, therefore, diminish the number stated to one half, or 630. Every American vessel, in passing among the islands, touches at most,  
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and enters and clears from many of them, from two at least, it may be admitted during each voyage; and this will again reduce the latter number to 315. Instead, therefore, of 1,260 vessels, only 315, of about 100 tons burthen each, remain as the real number employed, and this number was occasionally only augmented to this amount by the existing state of war, which at that time absolutely prevented the employment of British vessels.

Your Lordship knows all the circumstances, which render the numbers thus obtained, the documents from which they are derived, and the arguments dependent upon them fallacious, and ought not to have exhibited and relied upon them. You have yourself, on another occasion, made the following similar remarks. “ In  
 “ 1775, 1,150 vessels sailed from Philadelphia.  
 “ This proves a great number, although there  
 “ is much deception in returns of this kind,  
 “ as the same ship may have sailed several  
 “ times from the same port in the same year.”

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These are your own words, Sheffield on American Commerce, page 88.; and it must abate considerably of the authority attached to your station, appointments, and experience, to perceive your Lordship exhibiting such arguments and documents for the petty purpose of sustaining an impotent objection. Not contented with this, however, you have afterwards again seriously referred to them in recapitulating, and insist that the navigation of the kingdom is lessened to the amount of the tonnage, and men thus employed. You know, my Lord, this not to be so.

Your Lordship's third objection is as easily disposed of as the preceding.

“ That the Americans in time of war would, with the advantages on their part of peace-insurance, peace-wages, peace-freight, and peace-contingencies of every kind, and of shorter voyages, monopolize the supply of the islands,” is a proposition which, as it respects

spects the proper British supply from Europe, is denied; as it respects the provision supply from America, may be admitted and rejoiced in. That our colonies can be secured against all the evils of war, except the dangers of hostility, and be supported and supplied with articles of the first necessity at reasonable prices, when other regular connections can only be occasionally and precariously maintained, is, as applied to the proposed measure of regulation, matter of recommendation, not reprobation. If at any time, in time of war certainly the American intercourse in American vessels is valuable, and is to be solicited.

The charge exhibited against Ministers of conducting the trade of this country under licenses of the Privy Council, although coupled with that against governors of the colonies on the same subject of licenses, might be passed by. But the incorrect and uncandid manner in which these charges are stated, must be noticed. You make a charge unfounded in terms, because it is general; and yet, under the



the generality of the charge, the whole objection is couched and implied. Thus the occasional exercise of a power, with great propriety exercised by his Majesty in council, is magnified into a general practice of *conducting the trade of the country* under licenses. This enormity of charge, this extravagance of representation, this distortion of descriptive features, is exhibited by anamorphous reflection, intended to disfigure, and by its own creations to excite disgust and abhorrence.

With respect to the practice of West India Governors granting licenses *to all shipping*, particularly Americans, to enter their ports, which you state to be common for the sake of the emolument of persons in office, as far as this charge includes the colony of which I am the representative, I am authorized to deny equally the fact and the motive. Americans certainly cannot, and do not, enter without licenses granted according to that discretion, which I have before stated must justify itself on the grounds of expediency. The applica-  
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tion is attended with little expence, and with no known emolument; and as to any other shipping but Americans, no foreign vessel enters our ports but in cases of extreme distress, and their reception has been always so carefully watched, and strictly guarded and they have been subjected to such inconveniences, and frequently to such unknown dangers from the Revenue Laws, that to a christian vessel, I scarcely know which should be most desirable, a British West India or a Barbary lee-port. No continuance is permitted but under the plea of distress. No relief, no repairs are supplied but under juridical authority, after a due investigation had of the necessity and an estimate made of the means required, and so much only of the cargo is allowed be sold by the proper officers, as is adequate to the wants of the vessel. This I believe also to be the practice of the other colonies.

To the several heads of general recapitulatory objections stated by your Lordship, not already

ready noticed, I answer in the following observations.

I allow, that to admit into this country the produce of all countries in any foreign vessels, or the supply, generally, of our colonies by foreign shipping, departs from the principles under which our navigation has prospered. It cannot, however, be denied, that it *may* be right, that occasions *may arise*, which would render it necessary and proper to admit foreign vessels in the most unlimited manner, into the united kingdom. This must, however, always depend upon circumstances, and will be defended, as the Dutch Property Acts are, upon the exigency that produced them, upon the limited nature of the arrangements adopted, and upon as speedy a restoration as possible, of the accustomed order of things.

To the Dutch Property Acts, therefore, the first part of your observation, as being laid down  
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down too generally, does not apply, although so intended, and to the other part, that to supply our colonies by foreign shipping departs from the principles under which our navigation has prospered, as applied to the American intercourse, I answer; that this intercourse is conformable to, and consistent with the established practices under which our navigation has so long and so happily prospered, and will continue to prosper.

Here again your Lordship has intentionally confounded the right of great and general colonial supply from Britain, with that of provisions from America, which is always to be distinguished from it. Our navigation prospered most when scarcely an article of this latter sort was supplied to the colonies, except from the American provinces, and in ships built there. This practice, and the experience of its necessity and utility, recommend most strongly its continuance, without respect to any nominal change of principle where things remain the same.

I do not admit that any deviation from the general principles of our navigation and colonial systems is of course wrong, and will be attended with the consequences you presume. I have maintained, that under particular circumstances, a deviation may be necessary, may be safe, and beneficial. Of these systems, sometimes the principles, and sometimes the rules, by your Lordship frequently considered as, and confounded with, the principles, are to be controuled, the principles by others paramount to them, and the rules by the principles themselves.

Your Lordship's fourth head of recapitulation appears to me most unaccountably to operate in direct opposition to what you intend by it. The freights in British, and in American vessels, you state to be the same, and that the freight is the principal object with the American. From these circumstances you contend, that the supply in American vessels is not cheaper than in British.

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From these propositions it appears to me, my Lord, that a contrary conclusion is warranted by the premises. If the American makes his freight, which is his principal object, he can afford to sell his cargo at the prime cost. The British vessel *may* do the same, but if freight be not the principal object, and if any further benefit is expected, the price must be accordingly increased, and the supply will therefore become dearer in the British vessel.

That the American supply is less steady, and less to be depended on, is disproved by all colonial experience; and the occasionally extravagant prices of necessaries in the markets of the islands, have always been occasioned by the exclusion, or uncertain admission of American vessels.

I entirely accord with your Lordship in the observation that an improvident limitation and assortment of the American 'return cargoes

has been attended with the unhappy consequences of draining the colonies of their money, of driving the Americans into foreign West India markets, and of depressing government and other bills five, ten, and fifteen per cent. and I hope that this stricture at least will have its effect.

Over the remaining heads of recapitulation, as already disposed of, I hasten that I may supply your Lordship with matter for further consideration, and with other subjects of stricture. I wonder that the free ports of the West Indies have escaped your Lordship's animadversion. These are ports, established for the purpose of carrying on a trade in which none but foreign vessels are or can be employed. I introduce this subject, not merely for the information of your Lordship, but for the purpose of drawing the attention of Government thereto. Here is indeed a formidable invasion of the navigation and colonial systems of the empire. Yet I introduce this subject

subject for the express purpose of recommending to Government to extend these principles and practices now applied, and obtaining in only particular cases and situations, to the general and permanent establishment of a trade, not limited to ports and places, but to be opened to all the British West India islands and colonies. It is possible to open a South American trade, as well as that of North America, which, without any respect to the nature of the shipping employed, shall, by a due enumeration and restriction of the permitted articles of exchange or carriage, with perfect safety and propriety, increase indefinitely the British import, export, and carrying trades of the West India islands.

These islands are so disposed along the coasts, or stretched across between the principal points of South and North America, that access to them from both the continents may at all times be had by the simplest and cheapest species of navigation. The approach of British vessels



to the continent of South America is partially or totally forbidden by the great European powers who possess it. Under these circumstances, British vessels cannot be used in the intercourse with it. Great Britain, therefore, of necessity indeed, but with her accustomed wisdom, has opened certain ports in the colonies to vessels of these foreign countries, in order that they may bring in the enumerated articles she desires to obtain, and that they may carry the enumerated articles she wishes to dispose of, or such as are necessary to support the trade. The first enumeration contains articles of territorial produce of that part of the continent, and bullion among the rest; the other consists of goods of British manufacture, or import, or articles of territorial produce of the islands. Great Britain does not upon this occasion consider her navigation and colonial systems, as not at any time, upon any occasion, or under any circumstances to be invaded. She looks to the objects and purposes of those systems.

tems. She wants raw materials; she wants markets for her various articles of manufacture, commerce, and produce; she wants encouragement and extensive employment for her shipping. By neglecting all consideration of the use, as militating against her navigation and colonial systems, of these petty vessels, which serve to associate her islands with the Continent, she obtains all the objects of those systems, materials, markets, and increased carriage. The ports of her Islands become ports of the continent, and these vessels are only as the port vessels and lading droghers of other countries. British ships carry to, and bring away from the islands the commodities laden in, and unladen from these vessels, and neither their employment or their number is to be contemplated or calculated upon by Great Britain, but as proofs of the extension of her own commerce and proper navigation.

Instead, therefore, of a port in Grenada, a port in Dominica, two in Jamaica, one in Tortola,

tola, one in the Bahamas; it might upon these principles well be recommended to Great Britain, to extend the provisions of the Free Port Acts to all the Islands, or to the Custom-house ports of all the Islands. It might further be proposed, by enlarging and combining all the principles and practices which alike prevail in the West India intercourse with the Northern and Southern portions of America, to form one general, simple, and consolidated system, that should connect them all, which should embrace and comprehend the at present enumerated articles of import and export between the whole Continent and the Islands, and permit between them the employment, jointly with British ships, of one decked vessels, of all the countries growing the commodities imported into the Islands. I submit this proposal to the severity of your Lordship's strictures, I suggest it for the consideration of Ministers.

In this view of the subject, what is there to be objected against North American vessels of this description, that will not apply to the Spanish

nish launches of South America, and what is there to recommend the droghers of the Orinoko, and of the river of the Amazons, that will not also favour the sloops and schooners of the Delaware and the Chesapeak? They are all but as the country boats of all the other nations of the world, employed wherever our commerce extends, to bring to and deposit in ports of access, commodities for use or for transport. They are auxiliary and subservient to the great traders of the deep, who may pass by them with their woven wings without jealousy or envy.

I again most seriously and earnestly recommend to his Majesty's Ministers, to establish a general American intercourse with all the British West India colonies upon these general principles, and I do not hesitate to say, that if Great Britain still continues to refuse the employment of these petty vessels, for these purposes, and in the manner proposed, that she sacrifices, and continues to sacrifice her navigation to her navigation and colonial systems,

One argument which may be adduced in support of your Lordship's strictures, remains to be observed upon, one claim of right to be resisted. You profess to have frequently, and with much attention, considered these subjects, to have supported the opinions you advance, by writings, and by various efforts during twenty years, and to be confirmed in them by long experience, and twenty years accumulation of proofs. Your claim to authority and decisional right in these matters, notwithstanding this specification of title is disputed and denied.

You bring, my Lord, too many prejudices into this question, prejudices of ancient growth, and of inveterate establishment, to be allowed to give any opinion upon it. From proximity of situation, and from necessary connection, the West Indies, and the United States, become naturally associated in your Lordship's mind, and the colonies are involved in all the clouds and colours through which you contemplate that independant republic. The eye trans-

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fers to the one the hues of the other, the imagination, its conceptions and passions.

You have, my Lord, to maintain a question, which it has been the great business of your life to establish. It has been the anxious business of a great part of your life to accumulate and to bend all facts and all arguments for and towards a particular purpose. The cause which you have thus advocated, you must not decide.

Prejudices respecting the naval institutions of our country, which under other circumstances might be amiable, this condition of your mind has perpetuated, and has kept you back from progressive improvement, bound down to the original conceptions of limited intelligence and immature information. Who does not respect the navigation and colonial systems of Great Britain? Who can deny that like every other work of man, they may be capable of amelioration, of modification, of accommodation

accommodation to times and circumstances, to their own principles and objects?

You cease, my Lord, to be arbiter when you commence accuser. You charge the West India colonists with claiming unrestricted intercourse with America, who at this moment claim no intercourse at all. Want of information is no excuse in this case. Without information such a charge ought not to have existed.

Authority is certainly due to long experience, and the right of judgment exercised at an interval of twenty years, deserves to be respected. But lapse of time does not of itself constitute experience, nor do the flying years necessarily impart information. It must be shewn, that use has been made of the opportunities of acquiring knowledge, which passing days and hours afford. You charge the West India colonists with obtaining by clamour and joint intrigue with the Americans, the mischievous concession of a free trade.

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The claims and wishes of the West India body respecting the American intercourse, you might be excused for not knowing, although not for charging them with what you did not or could not know. But there is no excuse for charging them with obtaining, by virtue of a written article of an existing Treaty, a trade which never was granted them. Your Lordship should have perused the article. You would have found, instead of a free trade with the West Indies open to all American ships to come and to go as they pleased, to import and carry away what they pleased, to and from whatever parts of the world they pleased, (and such alone is a free trade;) that the trade was limited to vessels of a limited description, to articles of limited specification, to endurance of a limited time, upon the express limitation and condition that no West India produce of any kind should be exported from the United States to any part of the world, reasonable sea stores only excepted. No trade could be more limited than this, and yet under the name of free trade, it is made the ground of an  
offensive



offensive and injurious charge. All opinion of correctness of information or of judgment in your Lordship is removed by this single circumstance.

Your Lordship more than once has formally adduced, and positively relied on, to prove certain points to the full extent to which they purport, certain documents or returns of American shipping, which you know to be fallacious, to quadruple the amount at least of the numbers they exhibit, without noticing on this, as you have done on a former occasion, the little dependence to be had in them. This single circumstance will remove all future expectation of fair statement or candid representation on the part of your Lordship.

These observations my Lord, are not gratuitously made. They are necessary for the sake of others. Persons conversant in these matters, can indeed with ease in running over your statements, perceive their weakness or their fallacy. But there are others, who in seeking for information, require to be guided by authority, and enlight-

ened by experience. To these it is important to know what as such deserves to be respected and relied on, and the power is now given to all, of duly appreciating your Lordship's strictures and opinions.

In the enunciation of West India claims, they were broadly extended to all necessary articles, and all necessary means of obtaining those articles. In the present discussion, they have been narrowed in their immediate objects to the enumerated articles of the American intercourse act. It is not, however, thence to be concluded, that they are of course, and of necessity confined to these. The extent of rights is not abridged, although the claim is suspended.

This cautionary observation has been rendered necessary by a question raised on the part of the colonists of Nova Scotia, respecting their right exclusively to supply the West India markets with fish. This right is admitted. If supplies of this article of the first necessity

cessity can be furnished adequately, in sufficient quantities, and at reasonable prices, from any part of the British Empire, the right of exclusive supply must be maintained. But if by war, the power of supply is liable to be interrupted, if from other circumstances, the supply may be precarious or inadequate, provision should be made against these contingencies. To guard against the injurious consequences of hostilities, of short supplies, or of mercantile combinations, a regulating price, to exclude or admit foreign importations should be adopted, and the exclusive right of supply subjected to this established principle of adjustment.

The articles of salted pork and salted beef, might be subjected to similar regulations in the West India markets. They frequently rise to enormous prices in the Islands. It is a well known fact, that during the last war Government was under the necessity of purchasing foreign articles of this sort for the public service, and under similar circumstances, similar indulgencies may be granted to the colonies.—

Exclusive indeed of those great articles of the first necessity, which cannot be obtained from Great Britain, and which are always allowed to be received from America, there are many smaller articles of convenient supply which Great Britain can, upon some occasions, furnish to the colonies in sufficient quantities, and under other circumstances cannot. It would be perhaps adviseable to subject the whole class of articles of this sort which might be distinctly enumerated to similar provisions and regulations. During the continuance of war, the operation of these regulations would principally, and perhaps at no other time be demanded. But by being established generally in time of peace, they might under contingencies, against which, peace cannot always secure, be occasionally resorted to, and would not be exposed to interruption from the enemy in time of war. By this mode of accommodation and adjustment, the navigation and colonial systems of Great Britain are maintained, are inviolably maintained, amidst the contests of opposing principles.

Before I conclude, it may not be improper to give a general view of the great outlines of the question respecting the West India intercourse with America, in the following propositions :

Great Britain, upon general colonial principles, claims the exclusive right of import into the colonies. The colonies admit this right, excepting only from it articles of the first necessity, with which Great Britain cannot supply them. Great Britain admits the exception, and has enumerated the articles which the colonies may obtain from America.

Great Britain claims the exclusive right of colonial export. The colonies admit the right, excepting from it only, such quantities of produce as are necessary to pay for the articles obtained from America. Great Britain admits this exception, and has enumerated the species of produce which may be exported to America.

Great Britain claims the exclusive right of carrying in British ships all colonial imports and ex-  
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ports. The colonies admit this right, excepting only from it the before excepted articles of import and export.—Upon this exception alone there arises any question, and that question respects the admission of American vessels jointly with British, to carry the excepted and enumerated articles of colonial import and export between the Islands and Continent.

Great Britain objects, that this admission is against the colonial principle of exclusion; that it will injure her marine; and that it will interfere with and diminish her direct colonial and carrying trades.

To the first objection, the colonies reply, That they cannot adequately be supplied with the necessaries they require by means of British shipping alone; that the admission of American vessels into the provision trade being among the necessary means of obtaining supplies, is as necessary as the supplies themselves; that the supplies have been admitted in exception to the colonial principle of exclusion, and that

the admission of the vessels is within the principle of those exceptions; that the employment of American vessels is approved by precedent use, and established practice, from the very existence of the colonies; and that it is conformable to the navigation principle, and the just rights of foreign nations, by which ships of the country are allowed to participate in the carriage of their own products.

In reply to the second objection, the colonies state, That by the admission of American vessels, the colonial carrying trade between the Islands and the continent of America, will not sustain any very considerable diminution or reduction from what it is, and has been, and that the great British carrying trade between the colonies and Great Britain, will be generally increased to an extent which will more than compensate for any possible diminution in that other branch, the provision carrying trade; that the British marine can receive no considerable augmentation of means, or accession of strength from the colonial

colonial shipping employed in the provision trade, the navigation not being of the highest class, nor the mariners best adapted to general service, or readily to be withdrawn for the public service, from the commerce in which they are engaged ; and that the colonies ought not to be sacrificed to their own carriers.

The colonies meet the third objection by observing, that the direct carrying trade between Britain and the colonies, dependant upon colonial prosperity, will be increased by whatever tends to colonial increase,—by proposing the adoption of regulations which shall confine effectually the American provision trade to its limits, both of district and of dealing, shall make the import of supply the measure of export, cargo for cargo, or value for value, and shall keep the shipping employed therein from deviating beyond the channel of the intercourse,—and by professing an anxious readiness to submit the intercourse to any further or other restrictions that may be consistent with its existence and continuance. To these arguments  
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of general expediency, propriety, utility, and safety, applied to the ordinary state of the colonies, they add other considerations derived from the extraordinary, but frequently recurring cases of scarcity, calamity, and hostility, and they contend that all principles concur to sanction and to recommend to Great Britain, the adoption of a measure which whilst it secures to a considerable portion of her subjects, benefits political, æconomical, and domestic, benefits to which, from condition and situation they have a natural right and claim, as being produced near them, created for them, and held out to them by the hand of nature, and of nature's God, promises at the same time to herself an augmentation of those great proper colonial and carrying trades, which alone she has always possessed, and which alone every parent state is entitled to,

The rights of the British West India colonists have been thus clearly stated and fully established. Of the justice of their claims no doubt can exist, nor of the moderation of the claimants, who simply require, on the grounds  
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of irremediable necessity, that American vessels, under appropriate regulations and restrictions, may be permitted jointly with their own to carry on the intercourse now existing and established by law between the Islands and the United States.

THE END.